

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent of

DARTEIL et al.

Atty. Ref.: 3665-151

U.S. Patent No. 7,253,296

Issued: August 7, 2007

For: ACYLATED AMINOPROPANEDIOLS AND ANALOGUES  
AND THERAPEUTIC USES THEREOF

\* \* \* \* \*

April 29, 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR A CERTIFICATE OF CORRECTION**

The patentee in the above-identified patent hereby requests that the Patent and Trademark Office issue an official Certificate of Correction pursuant to 37 C.F.R. § 1.322 for the mistake indicated in the following made by the Patent Office.

The following identifies by page and line number those portions of the originally-filed disclosure, or entered amendment, or portion of the file history contained in the Patent Office Image File Wrapper (IFW) which supports the requested correction. No new matter has been added by the attached Certificates of Correction.

The following correction is requested:

On the face, left column, delete the following:

"(\*) Notice: Subject to any disclaimer the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days."

and insert the following therefor:

--(\*) Notice: Subject to any disclaimer the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.--

**DARTEIL et al.**  
**U. S. Patent No. 7,253,296**  
**Atty. Ref.: 3665-151**  
**Request for Certificate of Correction**  
**April 29, 2008**

This mistake was introduced by the Patent Office.

Specifically, a Terminal Disclaimer was filed December 18, 2006 with the requisite fee, as evidenced by the following PTO-stamped copy of the undersigned's Transmittal filed December 18, 2006 and retrieved from the PTO IFW:

DARTEIL et al.  
 U. S. Patent No. 7,253,296  
 Atty. Ref.: 3665-151  
 Request for Certificate of Correction  
 April 29, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty. 3865-151  
 Dkt.

Attached:

- (1) Amendment,
- (2) Terminal Disclaimer, and
- (3) fees

DARTEIL et al.

TC/A.U. 1621

Examiner: Kumar

IAP6 Rec'd PCT/PTO 18DEC 2006

Serial No. 10/541,225

Date: December 18, 2006

Filed: July 1, 2005

Title: ACYLATED AMINOPROPANEDIOLS AND ANALOGUES AND THERAPEUTIC USES THEREOF



Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Correspondence Address Indication Form Attached.

Fees are attached as calculated below:

|  |    |                      |   |
|--|----|----------------------|---|
| Total effective claims after amendment | 33 | minus highest number |   |
| previously paid for                    | 20 | (at least 20) =      | 13 x \$50.00                              |
|  |    |                      | \$650.00 (1202)/\$325.00 (2202) \$ 650.00 |

|                                    |   |                      |                                |
|------------------------------------|---|----------------------|--------------------------------|
| Independent claims after amendment | 2 | minus highest number |                                |
| previously paid for                | 2 | (at least 3) =       | 0 x \$200.00                   |
|                                    |   |                      | \$0.00 (1201)/\$0.00 (2201) \$ |

|  |  |  |                                    |
|--|--|--|------------------------------------|
| If proper multiple dependent claims now added for first time, (ignore improper); add |  |  |                                    |
|  |  |  | \$360.00 (1203)/\$180.00 (2203) \$ |

|   |  |  |  |
|---|--|--|--|
| Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) |  |  |  |
|   |  |  | One Month Extension \$120.00 (1251)/\$60.00 (2251)   |
|   |  |  | Two Month Extensions \$450.00 (1252)/\$225.00 (2252) |

|                                      |           |  |   |
|--------------------------------------|-----------|--|---|
| 12/21/2006 PAYMENT 00000076 10541225 |           |  |   |
| 01 FC:1251                           | 120.00 DP |  | Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)           |
|                                      |           |  | Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)            |
|                                      |           |  | Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$ 120.00 |

|                                   |  |  |  |
|-----------------------------------|--|--|--|
| Terminal disclaimer enclosed, add |  |  |  |
|                                   |  |  | \$130.00 (1814)/\$65.00 (2814) \$ 130.00 |

|  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Applicant claims "small entity" status. | <input type="checkbox"/> Statement filed herewith |  |  |
|--|---|--|--|

|   |  |  |                         |
|---|--|--|-------------------------|
| Rule 56 Information Disclosure Statement Filing Fee |  |  | \$180.00 (1806) \$ 0.00 |
|---|--|--|-------------------------|

|                          |  |  |                        |
|--------------------------|--|--|------------------------|
| Assignment Recording Fee |  |  | \$40.00 (8021) \$ 0.00 |
|--------------------------|--|--|------------------------|

|        |  |  |         |
|--------|--|--|---------|
| Other: |  |  | \$ 0.00 |
|--------|--|--|---------|

**TOTAL FEE ENCLOSED \$ 900.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor  
 Arlington, Virginia 22203-1808  
 Telephone: (703) 816-4000  
 Facsimile: (703) 816-4100  
 BJS:

NIXON & VANDERHYE P.C.  
 By Atty: B. J. Sadoff, Reg. No. 36,683

Signature: /B. J. Sadoff/

12/21/2006 PAYMENT 00000076 10541225

→ 02 FC:1617 130.00 DP  
 03 FC:1619 650.00 DP

DARTEIL et al.  
U. S. Patent No. 7,253,296  
Atty. Ref.: 3665-151  
Request for Certificate of Correction  
April 29, 2008

The PTO entry marked with the arrow above is evidence the PTO received the requisite fee and erroneously coded the \$130 Terminal Disclaimer fee filed December 18, 2006 as code "1615" ("Claims - extra total (over 20) " see www.uspto.gov April 28, 2008) as opposed to the correct code 1814 "Statutory disclaimer ", as indicated on the undersigned's Transmittal.

The incorrect coding by the Patent Office is believed to have led to the erroneous entry of the following paper in the PTO IFW on March 26, 2007, which indicates that a Terminal Disclaimer (i.e., "TD") is still required.

DARTEIL et al.  
U. S. Patent No. 7,253,296  
Atty. Ref.: 3665-151  
Request for Certificate of Correction  
April 29, 2008

|  |  |  |
|--|--|--|
| <b>Application Number</b><br> | <b>Application/Control No.</b><br>10/541,225 | <b>Applicant(s)/Patent under Reexamination</b><br>DARTEIL ET AL. |
| <b>Document Code - DISQ</b>  |  | <b>Internal Document – DO NOT MAIL</b>                           |

|                            |   |   |
|----------------------------|---|---|
| <b>TERMINAL DISCLAIMER</b> | <input type="checkbox"/> APPROVED               | <input checked="" type="checkbox"/> DISAPPROVED |
| Date Filed : 12/18/2006    | This patent is subject to a Terminal Disclaimer |   |

**Approved/Disapproved by:**

Janice Ford

TD fee need to be charged

U.S. Patent and Trademark Office

Accordingly, while the Examiner indicated in the Notice of Allowance dated April 2, 2007 that the Terminal Disclaimer was entered, as evidenced by the following reproduction of page 2 of the Notice of Allowance, the Patent Office clerical error in not properly accounting for the Terminal Disclaimer fee led to an error in the printed patent:

DARTEIL et al.  
U. S. Patent No. 7,253,296  
Atty. Ref.: 3665-151  
Request for Certificate of Correction  
April 29, 2008

Application/Control Number: 10/541,225

Page 2

Art Unit: 1621

1. The following is an examiner's statement of reasons for allowance: Applicants have submitted a Terminal Disclaimer to obviate the double patenting rejection over copending application 10/542,512. The closest prior art is Witten et al(Cancer 1962), which on pages 1044 and 1046 teach structurally similar compounds as claimed in herein. However, the reference compounds differ from the instant claimed compounds in that the reference compounds are not fatty compounds and does not have multiple carboxylic group. There is no motivation to arrive at the claimed compounds using the prior art, and thus instant claims are patentable.

While the following corrective paper has been entered in the Patent Office IFW on September 11, 2007, the Patent Office is also requested to correct the record by issuing the attached Certificate of Correction:

DARTEIL et al.  
U. S. Patent No. 7,253,296  
Atty. Ref.: 3665-151  
Request for Certificate of Correction  
April 29, 2008

|  |  |  |
|--|--|--|
| <b>Application Number</b><br> | <b>Application/Control No.</b><br>10/541,225 | <b>Applicant(s)/Patent under Reexamination</b><br>DARTEIL ET AL. |
| <b>Document Code - DISQ</b>  |  | <b>Internal Document – DO NOT MAIL</b>                           |

|                            |   |                                      |
|----------------------------|---|--------------------------------------|
| <b>TERMINAL DISCLAIMER</b> | <input checked="" type="checkbox"/> APPROVED    | <input type="checkbox"/> DISAPPROVED |
| Date Filed : 12/18/06      | This patent is subject to a Terminal Disclaimer |                                      |

|                                 |
|---------------------------------|
| <b>Approved/Disapproved by:</b> |
| Janice Ford<br>10/542512        |

U.S. Patent and Trademark Office

Since the above-indicated mistake arose due to Patent Office error, a fee is not believed to be required for securing issuance of the Certificate.

The patentee in the above-identified patent hereby request that the Patent and Trademark Office issue an official Certificate of Correction pursuant to 37 C.F.R. § 1.322 as described herein and in the attached.

DARTEIL et al.  
U. S. Patent No. 7,253,296  
Atty. Ref.: 3665-151  
Request for Certificate of Correction  
April 29, 2008

Attached hereto is a draft Official Certificate of Correction (1 sheet) for use by the Patent and Trademark Office correcting the above-identified matter.

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_ /B. J. Sadoff/  
B. J. Sadoff  
Reg. No. 36,663

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Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

UNITED STATES PATENT AND TRADEMARK OFFICE

**CERTIFICATE OF CORRECTION**

PATENT NO. : 7,253,296  
DATED : August 7, 2007  
INVENTOR(S) : DARTEIL et al.

It is certified that error appears in the above-identified patent and that said letters patent is hereby corrected as shown below:

On the face, left column, delete the following:

"(\*) Notice: Subject to any disclaimer the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days."

and insert the following therefor:

--(\*) Notice: Subject to any disclaimer the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.--

MAILING ADDRESS OF SENDER:

B. J. Sadoff  
NIXON & VANDERHYE P.C.  
901 North Glebe Road, 11th Floor  
Arlington, Virginia 22201

PATENT NO.

7,253,296

No. of add'l  
@ 50¢ per page

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